

**CITY OF CASTROVILLE CITY COUNCIL
REGULAR CALLED COUNCIL MEETING**

**1209 Fiorella
City Council Chambers**

August 25, 2020

Tuesday

5:00 P.M.

MINUTES

I. CALL TO ORDER

The meeting was called to order at 5:03 p.m. by Mayor Pro Tem Schroeder

II. ROLL CALL

Present:

Mayor Pro Tem Darrin Schroeder

Councilmember Sheena Martinez

Councilmember Paul Carey

Councilmember Jesse Byars

Councilmember Todd Tschirhart

Leroy Vidales, Interim City Administrator

Debra Howe, City Secretary

Fred Waggoner, Warrant Officer

John Gomez, Public Works Director

Devin Fredrickson, Parks and Recreation Director

Others in attendance:

City Attorney Cynthia Trevino, Denton, Navarro, Rocha, Benal & Zech

III. PLEDGE OF ALLEGIANCE

IV. INVOCATION

Pastor Mitch Cobb, Calvary Friendship Castroville Church gave the invocation.

V. CITIZEN COMMENTS

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. Written questions or comments may be submitted up to two hours before the meeting. A recording of the telephonic meeting will be made and will be available to the public in accordance of the Texas Public Information Act upon request.

Arnie Dollase, 109 River Bluff, reminded the city council and citizens to complete the census information and the money lost to the city if they were not counted.

Robert Lee, 1314 Gentilz, spoke on agenda items related to the paper streets and signage, the Home Occupancy Ordinance, and the operation of Rodriguez Park. Mr. Lee felt the citizens was not given enough information with no backup other than the ordinance on the home occupancy to be able to give an input on the subjects. Mr. Lee provided the city council a detailed writeup on his concerns and recommendations for the opening or closing of the paper streets leading to the river. Mr. Lee said this subject had been discussed several times by past councils with no results and the current city council needed to look at and settle the issues with designating areas for public access. Mr. Lee felt the Home Occupancy Ordinance was in need of a review and recommended council have a joint work session with Planning and Zoning to review for conflicts and improve for better enforcement.

Mr. Lee also spoke on Rodriguez Park being in operation for several years but needed to meet the city's Comprehensive Zoning Ordinance as it was a business being operated in a residential area. He questioned why the roadway was closed to the public on July 4th by the Mayor Pro Tem at this property. He felt the emergency access had been removed and could have been a problem for emergency vehicles to respond if there had been an emergency. In closing he commended those taking care of the city parks and City Hall saying they had never looked better.

Marina Papoff, 1110 Gentilz, spoke as a resident living down from Rodriguez Park. Ms. Papoff said she had a good friendship with the owner but had problems with excessive amounts of trash on her property, trespassing on to her property, moving her picnic tables, taunting hers and neighboring animals, loud music, and items had been stolen from her neighbor. Ms. Papoff had police come to hand the trespassing issues and was advised to install signage and paint her fence purple to keep people out. She recommended the Rodriguez's hire security to enforce the boundaries, the city should look at banning glass containers in the river, inforce rules on no loud music and charge a fee for cleanup.

Megan Daughtry, 1306 Gentilz, had no problems with a home business being ran in the neighborhood but had had items taken by others and agreed there should not be any glass containers in the area and suggested restricting glass containers throughout the city on the river. She suggested charging a higher fee to provide security and cleanup or possibly giving out mesh bags to fill with trash as others like New Braunfels did. Also, to reduce the number of people at the location.

Robert Peterson, 1410 Lisbon, spoke on behalf of Mr. Rodriguez, briefing the city council on the letter from a former Mayor in 1994 allowing the park to operate. Mr. Peterson said the property does have fencing and said the police could handle any complaints from the neighboring properties. He said the people along the river were not the Rodriguez's guests that caused the problems, more likely locals. He said years back the city was to place signs on the bridge to keep people off and had not done so. He also blamed the COVID 19 for some of the problems. He wanted the city to put in writing what they wanted the owner to do.

Jim Welch, 704 Lisbon, spoke on issues he saw due to living adjacent to a paper street and the river. Mr. Welch said this summer it was unsupervised teenagers upriver. His neighbor had a paddle boat stolen and taken down to the crossing. People were coming on to his property and he has installed cameras and signage to protect his family. Mr. Welch said this was a view of what was coming with the new growth and the city needed to look at designating access points.

Alberto Rodriguez, 1002 Gentilz, said Rodriguez Park was his dad's property and it was always clean. Mr. Rodriguez said kids that were coming on to the properties were not his dad's customers and they had always complied with the city requirements.

Page Bishop, 810 Gentilz, had the same concerns as her neighbors agreeing this was a preview of the future growth. She asked about the liabilities to the owners being it was so hard to control people going up and down the river. She asked about waivers on private property, liability, taxes, and agreed with no glass containers on the river.

Robert Moore, 1001 Geneva, said he had lived here two years and felt on his street there were traffic issues with those going to the swimming pool. Mr. Moore said there was no speed limit signage and the vehicles were speeding and recommended having one installed.

VI. Updates on safety measures for city staff and the public during the COVID 19 pandemic

Councilmember Martinez reminded everyone school had started and hoped everyone continued to follow the governor's orders. Councilmember Carey agreed and hoped everyone stayed safe. Councilmember King complimented the staff on wearing mask when they could not stay 6 ft. in distance. Mayor Pro Tem Schroeder said several events had been canceled but he was working with several organizations for upcoming events. He said the Tour de Castroville was in September and he was working with the Chamber on Old Fashion Christmas.

VII. CONSENT AGENDA

- A. Minutes for August 11, 2020 Special Called Council Meeting. (Budget work session)
- B. Minutes for August 11, 2020 Regular Called Council Meeting

A motion was made by Councilmember King and duly seconded by Councilmember Carey to approve the consent agenda. A vote was taken (5:0 all ayes) the motion carried by all present.

VIII. Review and approval of Employee Benefits for Health, Dental, Eye, and Long-Term Disability rates for FY2021. (Robert Feike, Agent of Record)

Record of Agent Robert Feike briefed the city council on the current insurance rates and the proposed increase. Mr. Feike said the eye, dental, and long term disability would stay the same and the health insurance provided by Texas Municipal League would have an 8% increase but if the city kept the same policy they would receive a monthly credit of \$554.95 this year. Mr. Feike had a 10-year history he showed to the council. Councilmember King asked if he had requested other quotes. Mr. Feike said he had, and TML still had the best rates.

A motion was made by Councilmember Carey and duly seconded by Councilmember King to approve the employee benefits for health, dental, eye, and long-term disability rates for FY2021. A vote was taken (5:0 all ayes) the motion carried by all present.

IX. Public Hearing on a petition to annex 131.613, 269.407, 14.131, and 1.148 acres (Lot 2, Walmart Store No. 4102-00), and 1.018 acres (Lot 4, Walmart Store No 4102-00) in the L.M. Collard Survey Number 97, Abstract 1259, Medina County, also known as Alsatian Oaks Development. (The property is located adjacent to Walmart 1151 Hwy 90 E. Castroville, Medina County, Texas.

Opened: 6:00 p.m.

Closed: 6:01 p.m.

X. Consider and take appropriate action on adopting an Ordinance annexing 131.613, 269.407, 14.131, and 1.148 acres (Lot 2, Walmart Store No. 4102-00), and 1.018 acres (Lot 4, Walmart Store No 4102-00) in the L.M. Collard Survey Number 97, Abstract 1259, Medina County, also known as Alsatian Oaks Development. (The property is located adjacent to Walmart 1151 Hwy 90 E. Castroville, Medina County, Texas.

Councilmember Cary said this was in the development agreement and was pleased to move forward. There were no other comments.

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XI. Consider and take appropriate action on approving a purchase of a 2020 Chevrolet Service Body Truck for Buildings/Grounds Department (Devin Fredrickson, Parks and Recreation Director)

Parks and Recreation Director Devin Fredrickson briefed the city council on purchasing a truck for the building/grounds department. Mr. Fredrickson said a vehicle had been budgeted the previous year but had not been purchased. He said this department had never had a vehicle listed in the department and wanted to purchase a 2020 Chevrolet Service Body Truck from the current budget. Councilmember King asked about the department not being shown in the past. Mr. Fredrickson said the department had been under the parks and recreation and they had been responsible for maintenance on the facilities. Mr. King asked if there had been any more quotes and if he had looked at going through BuyBoard. Mr. Fredrickson said he did have more quotes and this was the lowest one. City Secretary Debra Howe said she had the quotes and would email out for their information.

A motion was made by Councilmember King and duly seconded by Councilmember Tschirhart to approve the purchase in the amount not to exceed \$37, 522.00 of a 2020 Chevrolet Service Body Truck for Buildings/Grounds Department. A vote was taken (5:0 all ayes) the motion carried by all present.

XII. Consider and take appropriate action on approving a purchase of a new 2020 Terex Commander 4047 model hydraulic rotating digger derrick with a turntable winch (digger/pole setting truck) (John Gomez, Public Works Director)

Public Works Director John Gomez said this purchase was referred to at the previous meeting and this vehicle would replace the 1992 digger truck and the 2013 Ford F750. Mr. Gomez said it would have several uses besides being used as a digger and pole truck. Councilmember Martinez asked if this was in the current budget. Mr. Gomez said it was. Mr. Gomez said Sourcewell was similar to Buyboard and was the government rate.

A motion was made by Councilmember King and duly seconded by Councilmember Carey to approve the purchase in the amount not to exceed \$208,943.00 for a new 2020 Terex Commander 4047 model hydraulic rotating digger derrick with a turntable winch (digger/pole setting truck). A vote was taken (5:0 all ayes) the motion carried by all present.

XIII. Discussion on paper streets and signage or other limitations on river access (Darrin Schroeder, Mayor Pro Tem)

Mayor Pro Tem Schroeder said he wanted this discussion due to having heard about drinking, drug use, trash and people trespassing on private property. Mayor Pro Tem Schroeder is recently staff had placed signage to temporarily close two paper streets but council needed to be the ones to take action. He said the city was not looking to sell or turn over to any citizens, but they did need to find a solution. Mayor Pro Tem suggested to the councilmembers who had paper streets in their districts meet with their constituents and ask what they felt was the best solution. Mayor Pro Tem Schroeder said they may need to look at barriers and or signage. Councilmember King asked the city attorney what the council could legally do, such as stop using the street as a street. City Attorney Cynthia Trevino said yes, the council could look at each individually and look at regulating time, use, and closure. She said the city could put up a fence, barrier and or signage. Councilmembers discussed further and said there were at least two paper streets used by residents as the only way to get to their homes. Ms. Trevino said they could provide no parking signage, but not close off. Mayor Pro Tem Schroeder said they needed to look at the streets from public health and safety prospective. He also suggested having a workshop with residents. Councilmember Tschirhart said he had spoken with citizens who lived on both sides of Koenig Park and they were in favor of signage and or a gate/ chain but one resident had only the paper street access to get to his driveway. He was also in favor of a workshop. Councilmember Carey volunteered to compile data of the streets – paved and paper. Councilmember King asked the city attorney since he and Mayor Pro Tem Schroeder both lived by paper streets should they recuse themselves due to conflict of interest. Ms. Trevino said they could discuss but refrain from voting. Ms. Trevino suggested the council undertake the changes to the paper streets in phases.

XIV. Discussion and direction to staff on Ordinance No. 2017-015 Article IV “Special Use Regulations”, Section 10 “Home Occupation Regulations (Darrin Schroeder, Mayor Pro Tem)

Mayor Pro Tem Schroeder said he had placed this on the agenda due to some parts of the ordinance being hard to enforce. He felt the council and the planning and zoning commission should have a workshop and review the ordinance for changes. Councilmember Martinez agreed and recommended advertising in the newsletter when the meeting was scheduled. Councilmember Carey agreed with Bob Lee on the ordinance being reviewed by council first, then send to the planning and zoning commission. Councilmember King said he was on council when this was passed and it was known it would need to be updated but the city did not have anything on the books to regulate any businesses in the residential areas and there had been a business wanting to sell guns in a residential area. Councilmember Tschirhart wanted to keep Rodriguez Park but needed to talk to neighbors. Staff was directed to coordinate a workshop with planning and zoning commission after the budget was adopted.

XV. Discussion and take appropriate action on resolving issues with Rodriguez Park to legally and appropriately operate within the City of Castroville (Darrin Schroeder, Mayor Pro Tem)

Mayor Pro Tem Schroeder said he wanted this on the agenda to discuss issues brought to his attention as the acting Mayor. Mayor Pro Tem Schroeder said he was not saying Mr. Rodriguez was in the wrong but the issues spoke of earlier in the meeting needed to be addressed. Mayor Pro Tem Schroeder provided a slide presentation showing the neighboring properties, the Rodriguez property, unattended children crossing the roadway, and the violation of the Governor’s order with the amount of people at the park. Mayor Pro Tem Schroeder showed Arial photos of structures on the paper street which was not allowed. Mayor Pro Tem Schroeder spoke on this being a taxable entity and wanted to have council work with the planning and zoning commission to allow for certain businesses under certain

circumstances to operate. Councilmember King spoke on sale tax and said he had at one time been fined for not charging/paying sales tax by the state. He recommended Mr. Rodriguez speak to the Comptroller's Office to determine if he was to charge and pay sales tax as it was considered a entertainment business. He also said the city needed to place signs on the bridge. Mayor Pro Tem Schroeder said Mr. Rodriguez needed to have a maximum occupancy, look at roadway and children saying it was a safety issue. Councilmember Martinez said the COVID 19 rules were in place and they had to follow as others were doing. Robert Peterson said to send the requirements in writing to the owner and have the requirements simplified for the kids to understand. Council requested staff work with the fire department and take recommendations to the planning and zoning commission for a possible variance. Councilmember King said they needed to follow the governor's order today. No formal action was taken.

XVI. Discussion on future agenda items

Mayor Pro Tem Schroeder asked the council to email any future agenda items.

XVII. ADJOURN

Mayor Pro Tem Schroeder adjourned the meeting at 7:29 p.m.

Darrin Schroeder
Mayor Pro Tem

ATTEST:

Debra Howe
City Secretary